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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,127	01/28/2004	Byung-youn Song	1793.1170	2252
21171	7590	03/21/2008		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER  DAVIS, DAVID DONALD	
			ART UNIT	PAPER NUMBER
			2627	
			MAIL DATE	DELIVERY MODE
			03/21/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/765,127

**Applicant(s)**

SONG ET AL.

**Examiner**

David D. Davis

**Art Unit**

2627

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 and 25-51 is/are pending in the application.
- 4a) Of the above claim(s) 1-21, 26-45 and 48-51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22, 23, 25, 46 and 47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 12, 2007 has been entered.

### ***Claim Objections***

2. Claim 46 is objected to because of the following informalities: In line 19 of claim 46, "arranged]" should be --arranged-- to preclude ambiguity. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. Claims 22-23 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, in the penultimate line through the ultimate line of claim 22 "the magnetic circuit consists of a single pair of unipolar magnetized magnets". However, previously set forth in the claim it is set forth that the magnetic circuit comprises a coil assembly. As a result it is unclear as to how a magnetic circuit can include coils and *be limited only to a pair of magnets*.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22, 23, 25, 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikegame et al (US 5,208,703). As per claims 22 and 46, Ikegame et al shows in figure 7 an optical pickup actuator having an asymmetric structure for driving an objective lens 1 positioned on a base 5. Ikegame et al also shows in figure 7 a lens holder 3 to hold the objective lens 1; a suspension 14 movably supporting the lens holder 3 so that the lens holder 3 is movable with respect to the base 5; and a magnetic circuit. The magnetic circuit includes a pair of unipolar magnetized magnets 12 positioned on the base 5 to face each other at one side of the objective lens 1, and a coil assembly mountable on the lens holder 3 between the pair of unipolar magnetized magnet. The coil assembly includes a pair of focusing coils 2 positioned in the lens holder 3 between the pair of unipolar magnetized magnets 12, and a plurality of tracking coils 20 positioned on at least one side of the pair of focusing coils 2 to face the unipolar magnetized magnets 12. Ikegame et al shows in figure 7 the magnetic circuit including only a single pair of unipolar magnetized magnets 12.

As per claims 23 and 47, Ikegame et al shows in figure 7 the coil assembly using bulk type coils in which the focusing coils 2 and the tracking coils 20 are previously wound, and the plurality of tracking coils 20 are attached to the pair of focusing coils 2 in the coil assembly. As

per claim 25, Ikegame et al shows in figure 7 the actuator being a two-sided, three axis driving pickup actuator.

Ikegame et al, insofar as the claims are definite and understood, is silent as to a single pair of magnets.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to remove a set of magnets or provide a single pair of magnets from the optical pickup actuator of Ikegame et al. The rationale is as follows: the purpose of the magnets is to drive the magnetic circuit. The magnetic circuit does not need multiple pairs of magnets to drive the circuit. Realizing this, one of ordinary skill in the art at the time the invention was made would have been motivated to remove a set of magnets or provide a single pair of magnets, which is well within the purview of a skilled artisan and absent unobvious result since removing an element removes its function, to reduce magnets in the actuator thereby reducing costs.

#### ***Response to Arguments***

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Davis whose telephone number is 571-272-7572. The examiner can normally be reached on Monday thru Friday between 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne R. Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David D. Davis/  
Primary Examiner  
Art Unit 2627

ddd